



David West

Employee

7161752

[Employee-related decision Date: 7 December 2023](#)

Decision - Employee-related decision

Outcome: Control of non-qualified staff (Section 43 / Section 99 order)

Outcome date: 7 December 2023

Published date: 8 February 2024

Firm details

Firm or organisation at time of matters giving rise to outcome

Name: Optimal Solicitors Limited

Address(es): Fortunata House, First Floor, 15 Wellington Road, Eccles, Manchester, M30 0DR

Firm ID: 619791

Outcome details

This outcome was reached by SRA decision.

Decision details

Who does this decision relate to?

David West who is not a solicitor, was employed by Optimal Solicitors Limited (the firm) whose head office is at Manchester between 18 November 2023 and 27 February 2023.

Summary of decision

A finding of dishonesty was made against Mr West, and he was made subject to a disqualification order under section 99 of the Legal Services Act 2007.

The SRA has disqualified Mr West from holding any of the following roles in law firms regulated by the SRA:

- Head of Legal Practice
- Head of Finance and Administration

- A manager
- An employee

The facts of the case

Having been convicted of an offence contrary to s.1(1) of the Malicious Communications Act 1988, Mr West failed to disclose his conviction to the firm in both his interview and on a subsequent employee declaration form.

It was found that between 4 November 2022 and 18 November 2022 Mr West misled the firm by failing to disclose the conviction during the recruitment process.

In doing so Mr West breached Principles 2, 4 and 5 of the SRA Principles (2019). Mr West's conduct was serious by reference to the following factors in the SRA Enforcement Strategy: it was deliberate, it was dishonest, and he has acted in a way that is likely to diminish trust and confidence in the profession.

Our decision on sanction

Mr West's conduct breached relevant duties that applied to him as an employee of the firm, namely SRA Principles 2, 4 and 5 (2019).

It was found that it would be undesirable for Mr West to act as a Head of Legal Practice, Head of Finance and Administration, a manager or an employee of a body licensed in accordance with section 99 of the Legal Services Act 2007.

Mr West is disqualified from holding any of these roles.

He was also directed to pay costs of £600.

SRA Principles (2019)

Principle 2: You act in a way that upholds public trust and confidence in the solicitors' profession and in legal services provided by authorised persons.

Principle 4: You act with honesty.

Principle 5: You act with integrity.

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